

95 FEB 20 PM 1:57  
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of the document which was filed of record in the Chief Clerk's Office and referred to the committee on:

Ways & Means  
Cynthia Gerhardt  
Chief Clerk of the House

FILED FEB 16 1995

By Alexander

H.J.R. No. 72

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the ad valorem  
2 taxation of open-space land used for wildlife management.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article VIII, Section 1-d-1, Subsection (a), of  
5 the Texas Constitution is amended to read as follows:

6 (a) To promote the preservation of open-space land, the  
7 legislature shall provide by general law for taxation of open-space  
8 land devoted to farm, ~~or~~ ranch, or wildlife management purposes  
9 on the basis of its productive capacity and may provide by general  
10 law for taxation of open-space land devoted to timber production on  
11 the basis of its productive capacity. The legislature by general  
12 law may provide eligibility limitations under this section and may  
13 impose sanctions in furtherance of the taxation policy of this  
14 section.

15 SECTION 2. The following temporary provision is added to the  
16 Texas Constitution:

17 TEMPORARY PROVISION. (a) The changes to the law made by  
18 Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991,  
19 are validated.

20 (b) This section does not authorize a property owner to  
21 claim a refund of taxes paid unless the tax payment was challenged  
22 as provided by law before the effective date of this amendment.

23 (c) This temporary provision expires January 1, 1998.

24 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 5, 1996.  
2 The ballot shall be printed to provide for voting for or against  
3 the proposition: "The constitutional amendment to allow open-space  
4 land used for wildlife management to qualify for tax appraisal in  
5 the same manner as open-space agricultural land and to permit the  
6 legislature to continue to limit that qualification to land that  
7 was eligible for appraisal as open-space agricultural land on  
8 January 1, 1992."

## COAUTHOR AUTHORIZATION-74TH LEGISLATURE

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number:

HJR 72

Alexander  
signature of primary author

Alexander  
printed name of primary author

2-22-95  
Date

PERMISSION TO SIGN HJR 72 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2115 Allen	Date	A2125 Alonzo	Date
A2105 Alvarado	Date	A2135 Averitt	Date	A2160 Bailey	Date
A2200 Berlanga	Date	A2240 Black	Date	A2270 Bomer	Date
A2275 Bosse	Date	A2265 Brady	Date	A2260 Brimer	Date
A2405 Carona	Date	A2400 Carter	Date	A2480 Chisum	Date
A2530 Clemons	Date	A2435 Coleman	Date	A2575 Combs	Date
A2580 Conley	Date	A2570 Cook	Date	A2595 Corte	Date
A2600 Counts	Date	A2605 Crabb	Date	A2610 Craddick	Date
A2645 Cuellar, Henry	Date	A2646 Cuellar, Renato	Date	A2635 Culberson	Date
A2670 Danburg	Date	A2675 Davila	Date	A2625 Davis	Date
A2630 De La Garza	Date	A2685 Dear	Date	A2680 Delisi	Date
A3385 Denny	Date	A2705 Driver	Date	A2665 Dukes	Date
A2655 Duncan	Date	A2650 Dutton	Date	A2770 Edwards	Date
A2760 Ehrhardt	Date	A2775 Eiland	Date	A2785 Elkins	Date
A2810 Farrar	Date	A2830 Finnell	Date	A2920 Gallego	Date
A2935 Giddings	Date	A2880 Glaze	Date	A2985 Goodman	Date
A2990 Goolsby	Date	A3005 Gray	Date	A3010 Greenberg	Date
A3020 Grusendorf	Date	A3030 Gutierrez	Date	A3035 Haggerty	Date
A2695 Hamric	Date	A3120 Harris	Date	A3170 Hartnett	Date
A3345 Hawley	Date	A3180 Heflin	Date	A3230 Hernandez	Date
A3240 Hightower	Date	A3310 Hilbert	Date	A3250 Hilderbran	Date

For chief clerk use only  
Bill or Resolution Number:

HR 72

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheanser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4385 Roma	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A4730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbranc	Date

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By Alexander

H.J.R. No. 72

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the ad valorem  
2 taxation of open-space land used for wildlife management.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article VIII, Section 1-d-1, Subsection (a), of  
5 the Texas Constitution is amended to read as follows:

6 (a) To promote the preservation of open-space land, the  
7 legislature shall provide by general law for taxation of open-space  
8 land devoted to farm, [or] ranch, or wildlife management purposes  
9 on the basis of its productive capacity and may provide by general  
10 law for taxation of open-space land devoted to timber production on  
11 the basis of its productive capacity. The legislature by general  
12 law may provide eligibility limitations under this section and may  
13 impose sanctions in furtherance of the taxation policy of this  
14 section.

15 SECTION 2. The following temporary provision is added to the  
16 Texas Constitution:

17 TEMPORARY PROVISION. (a) The changes to the law made by  
18 Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991,  
19 are validated.

20 (b) This section does not authorize a property owner to  
21 claim a refund of taxes paid unless the tax payment was challenged  
22 as provided by law before the effective date of this amendment.

23 (c) This temporary provision expires January 1, 1998.

24 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 5, 1996.  
2 The ballot shall be printed to provide for voting for or against  
3 the proposition: "The constitutional amendment to allow open-space  
4 land used for wildlife management to qualify for tax appraisal in  
5 the same manner as open-space agricultural land and to permit the  
6 legislature to continue to limit that qualification to land that  
7 was eligible for appraisal as open-space agricultural land on  
8 January 1, 1992."

COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

4-24-95  
(date)

Sir:  
We, your COMMITTEE ON WAYS AND MEANS  
to whom was referred HJR 72 have had the same under consideration and beg to report  
back with the recommendation that it

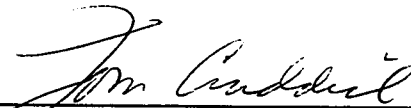
- (X) do pass, without amendment.
- ( ) do pass, with amendment(s).
- ( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes ( ) no A fiscal note was requested.
- ( ) yes (X) no A criminal justice policy impact statement was requested.
- ( ) yes (X) no An equalized educational funding impact statement was requested.
- ( ) yes (X) no An actuarial analysis was requested.
- ( ) yes (X) no A water development policy impact statement was requested.
- ( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_  
Joint Sponsors \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Craddick, Ch.	X			
Wolens, V.C.	X			
Finnell	X			
Heflin	X			
Holzheuser	X			
Horn	X			
Hunter, T.				X
Marchant				X
Oliveira	X			
Place				X
Romo				X

Total      7      aye  
             0      nay  
             0      present, not voting  
             4      absent

  
CHAIRMAN

## BILL ANALYSIS

Ways & Means Committee  
H.J.R. 72  
By: Alexander  
May 2, 1995  
Committee Report (Unamended)

### BACKGROUND

Article VIII, Section 1-d-1, Texas Constitution, requires the Legislature to provide for the appraisal of open space land used for a farm or ranch purpose on the basis of its productivity capacity. Chapter 23, Subchapter D, Tax Code, implements the constitutional provision by providing that on application, certain agricultural land may qualify for productivity appraisal if it meets a number of conditions.

### PURPOSE

This resolution would require the legislature to provide laws allowing for the taxation of land devoted to "wildlife management" based on its productive capacity.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 1-d-1 (Open-Space Land), Subsection (a), Texas Constitution, by specifically designating that wildlife management shall be listed and provided under general law for taxation of open-space land.

SECTION 2. Provides for a temporary provision to the Texas Constitution as follows:

- (a) validates changes to law made by Chapter 560, Act of the 72 Legislature, Regular Session (H.B. 1298);
- (b) refunds for taxes paid may only be authorized if the property owner has challenged the land's status prior to the effective date of this amendment; and
- (c) temporary provision expires January 1, 1998.

SECTION 3. Provides for election date of November 5, 1996, and specifies ballot language.

### SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the rules, and a public hearing was held on April 11, 1995. Representatives Clyde Alexander and Bob Turner explained the resolution. Without objection, H.J.R. 72 was left pending before the committee.

On April 24, 1995, the committee met in a formal meeting and considered H.J.R. 72 on pending business. By a record vote of 7 ayes, 0 nays, 0 present not voting and 4 absent, the committee voted to report H.J.R. 72 to the House without amendment with the recommendation that it do pass.



For purposes of testimony, the committee considered H.J.R. 72 and H.B. 1358 together. The following persons testified in favor of one or more of the bills (4/11/95):

David K. Langford, representing himself and the Texas Wildlife Assn. (HB 1358, HJR 72)

John Stokes, representing the Nature Conservancy of Texas (HB 1358)

Dede Armentrout, representing herself and the National Audubon Society, Audubon Council of Texas (HB 1358).

Ted Eubanks, representing himself (HB 1358)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**74th Regular Session**

April 9, 1995

TO: Honorable Tom Craddick, Chair  
Committee on Ways & Means  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution  
No. 72  
By: Alexander

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 72 (Proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.) this office has determined the following:

The resolution, upon voter approval, would amend Article VIII, Section 1-d-1, Texas Constitution, by requiring the legislature to provide that laws allowing the taxation of land devoted to "wildlife management" be based on its productivity capacity. The resolution would add to the definition of "agricultural use" the use of land for "wildlife management".

The resolution would also add a temporary provision to allow refunds for prior use as wildlife management land only if the property owner had challenged the land's taxable status before the effective date of this amendment. This temporary provision would expire January 1, 1998.

The fiscal implication to the State or units of local government cannot be determined.

The cost to the State for publication of the resolution is \$90,000.

Source: Comptroller of Public Accounts  
LBB Staff: JK, BR, DF

MAY 08 1995

LIST OF HOUSE AMENDMENTS CONSIDERED  
HJR72.2n - Second Reading

AMENDMENT #	AUTHOR	DESCRIPTION	ACTION
1	Alexander	Amendment	Adopted



FLOOR AMENDMENT NO. 1

BY

Alexander

Amend H.J.R. No. 72 by striking page 1, line 24, through page 2, line 8, and substituting the following:

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 1995. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow open-space land used for wildlife management to qualify for tax appraisal in the same manner as open-space agricultural land, subject to eligibility limitations provided by the legislature."

**ADOPTED**

MAY 8 1995

*Cynthia Gerhardt*  
Chief Clerk  
House of Representatives

# HOUSE ENGROSSMENT

By Alexander, et al.

H.J.R. No. 72

## A JOINT RESOLUTION

proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VIII, Section 1-d-1, Subsection (a), of the Texas Constitution is amended to read as follows:

(a) To promote the preservation of open-space land, the legislature shall provide by general law for taxation of open-space land devoted to farm, ~~or~~ ranch, or wildlife management purposes on the basis of its productive capacity and may provide by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity. The legislature by general law may provide eligibility limitations under this section and may impose sanctions in furtherance of the taxation policy of this section.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) The changes to the law made by Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991, are validated.

(b) This section does not authorize a property owner to claim a refund of taxes paid unless the tax payment was challenged as provided by law before the effective date of this amendment.

(c) This temporary provision expires January 1, 1998.

SECTION 3. This proposed constitutional amendment shall be

H.J.R. No. 72

1 submitted to the voters at an election to be held November 7, 1995.  
2 The ballot shall be printed to permit voting for or against the  
3 proposition: "The constitutional amendment to allow open-space  
4 land used for wildlife management to qualify for tax appraisal in  
5 the same manner as open-space agricultural land, subject to  
6 eligibility limitations provided by the legislature."

1 By: Alexander, et al. (Senate Sponsor - Montford) H.J.R. No. 72  
2 (In the Senate - Received from the House May 9, 1995;  
3 May 11, 1995, read first time and referred to Committee on Finance;  
4 May 18, 1995, reported favorably by the following vote: Yeas 11,  
5 Nays 0; May 18, 1995, sent to printer.)

6 HOUSE JOINT RESOLUTION

7 proposing a constitutional amendment relating to the ad valorem  
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9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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35 the same manner as open-space agricultural land, subject to  
36 eligibility limitations provided by the legislature."

37 \* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 72  
By Alexander Montford  
(Author/Senate Sponsor)  
5-18-95  
(date)

We, your Committee on FINANCE, to which was referred the attached measure,  
have on 5-18-95, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Montford, Chair	<input checked="" type="checkbox"/>			
Brown, Vice-Chair	<input checked="" type="checkbox"/>			
Barrientos	<input checked="" type="checkbox"/>			
Bivins				<input checked="" type="checkbox"/>
Ellis	<input checked="" type="checkbox"/>			
Lucio	<input checked="" type="checkbox"/>			
Moncrief	<input checked="" type="checkbox"/>			
Ratliff	<input checked="" type="checkbox"/>			
Rosson	<input checked="" type="checkbox"/>			
Sibley	<input checked="" type="checkbox"/>			
Truan	<input checked="" type="checkbox"/>			
Turner				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	11	0	0	2

**COMMITTEE ACTION**

- ☒ S260 Considered in public hearing  
☒ S270 Testimony taken

Jerry Sander  
COMMITTEE CLERK

Montford  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files



## BILL ANALYSIS

Senate Research Center

H.J.R. 72  
By: Alexander (Sponsor)  
Finance  
05-17-95  
Engrossed

### BACKGROUND

Current law requires the Texas Legislature to provide for the appraisal of open space land used for a farm or ranch purpose on the basis of its productivity capacity. Chapter 23D, Tax Code, implements the constitutional provision by providing that certain agricultural land may qualify for productivity appraisal if it meets a number of conditions.

### PURPOSE

As proposed, H.J.R. 72 requires the submission to the voters of a proposed constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 1-d-1(a), Texas Constitution, to require the legislature to provide by general law for taxation of open-space land devoted to farm, ranch, or wildlife management purposes on the basis of its productive capacity. Authorizes the legislature to provide by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity.

SECTION 2. Adds a temporary provision to the Texas Constitution, as follows:

TEMPORARY PROVISION. (a) Validates the changes to the law made by Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991.

(b) Provides that this section does not authorize a property owner to claim a refund of taxes paid unless the tax payment was challenged as provided by law before the effective date of this amendment.

(c) Provides that this temporary provision expires January 1, 1998.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters on an election to be held November 7, 1995. Sets forth the required language of the ballot.

## BILL ANALYSIS

Senate Research Center

H.J.R. 72  
By: Alexander (Montford)  
Finance  
05-19-95  
Senate Committee Report (Unamended)

### BACKGROUND

Current law requires the Texas Legislature to provide for the appraisal of open space land used for a farm or ranch purpose on the basis of its productivity capacity. Chapter 23D, Tax Code, implements the constitutional provision by providing that certain agricultural land may qualify for productivity appraisal if it meets a number of conditions.

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SECTION 2. Adds a temporary provision to the Texas Constitution, as follows:

TEMPORARY PROVISION. (a) Validates the changes to the law made by Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991.

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## BILL ANALYSIS

Senate Research Center

H.J.R. 72  
By: Alexander (Montford)  
Finance  
05-19-95  
Senate Committee Report (Unamended)

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SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters on an election to be held November 7, 1995. Sets forth the required language of the ballot.

From: S7540A1 --TXLCNJE

Date and time

05/18/95 15:46:38

NOTE

Subject: (BILL NO.) WITNESS - FINANCE

Revised: WITNESS FORM

74th Legislature

COMMITTEE: Finance

BILL: HJR 72

DATE: 05 18 95

FOR AGAINST ON

Name: Jay Propes  
Representing: Nature Conservancy of TX  
City: Austin

x

-

-

Name: David K. Langford  
Representing: Tx. Wildlife Assn.  
City: San Antonio

x

-

-

Name: Ruben Cantu  
Representing: Parks and Wildlife Dept.  
City: Austin

-

-

x

Name: Ellis Gilleland  
Representing:  
City: Austin

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x

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Name:  
Representing:  
City:

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Representing:  
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Representing:  
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### PART OF ###

<<<<===== E N D O F F O R M =====>>>>

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**74th Regular Session**

May 12, 1995

TO: Honorable Senator John T. Montford, Chair  
Committee on Finance  
Senate  
Austin, Texas

IN RE: House Joint Resolution  
No. 72, as engrossed  
By: Alexander

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 72 (Proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.) this office has determined the following:

The fiscal implication to the State and units of local government cannot be determined.

The cost to the State for publication of the resolution is \$90,000.

Source: LBB Staff: JK, RS, DF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**74th Regular Session**

April 9, 1995

TO: Honorable Tom Craddick, Chair  
Committee on Ways & Means  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution  
No. 72  
By: Alexander

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 72 (Proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.) this office has determined the following:

The resolution , upon voter approval, would amend Article VIII, Section 1-d-1, Texas Constitution, by requiring the legislature to provide that laws allowing the taxation of land devoted to "wildlife management" be based on its productivity capacity. The resolution would add to the definition of "agricultural use" the use of land for "wildlife management".

The resolution would also add a temporary provision to allow refunds for prior use as wildlife management land only if the property owner had challenged the land's taxable status before the effective date of this amendment. This temporary provision would expire January 1, 1998.

The fiscal implication to the State or units of local government cannot be determined.

The cost to the State for publication of the resolution is \$90,000.

Source: Comptroller of Public Accounts  
LBB Staff: JK, BR, DF

F  
**ENROLLED**

H.J.R. No. 72

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the ad valorem  
2 taxation of open-space land used for wildlife management.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article VIII, Section 1-d-1, Subsection (a), of  
5 the Texas Constitution is amended to read as follows:

6 (a) To promote the preservation of open-space land, the  
7 legislature shall provide by general law for taxation of open-space  
8 land devoted to farm, ~~or~~ ranch, or wildlife management purposes  
9 on the basis of its productive capacity and may provide by general  
10 law for taxation of open-space land devoted to timber production on  
11 the basis of its productive capacity. The legislature by general  
12 law may provide eligibility limitations under this section and may  
13 impose sanctions in furtherance of the taxation policy of this  
14 section.

15 SECTION 2. The following temporary provision is added to the  
16 Texas Constitution:

17 TEMPORARY PROVISION. (a) The changes to the law made by  
18 Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991,  
19 are validated.

20 (b) This section does not authorize a property owner to  
21 claim a refund of taxes paid unless the tax payment was challenged  
22 as provided by law before the effective date of this amendment.

23 (c) This temporary provision expires January 1, 1998.

24 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 7, 1995.  
2 The ballot shall be printed to permit voting for or against the  
3 proposition: "The constitutional amendment to allow open-space  
4 land used for wildlife management to qualify for tax appraisal in  
5 the same manner as open-space agricultural land, subject to  
6 eligibility limitations provided by the legislature."



H.J.R. No. 72

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 72 was passed by the House on May 8, 1995, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.J.R. No. 72 was passed by the Senate on May 26, 1995, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

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Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 72<sup>✓</sup><sub>(1)</sub> was passed by the House on

May 8<sup>✓</sup><sub>(2)</sub>

, 1995, by the following vote:

Yeas 136<sup>✓</sup><sub>(3)</sub>, Nays 0, 2<sup>✓</sup><sub>(4)</sub> present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 72<sup>✓</sup> was passed by the Senate on

May 26<sup>✓</sup><sub>(5)</sub>

, 1995, by the following vote:

Yeas 31<sup>✓</sup><sub>(6)</sub>, Nays 0<sup>✓</sup><sub>(7)</sub>

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT23;

## BILL ANALYSIS

Senate Research Center

H.J.R. 72  
By: Alexander (Montford)  
Finance  
6-29-95  
Enrolled

### BACKGROUND

Current law requires the Texas Legislature to provide for the appraisal of open space land used for a farm or ranch purpose on the basis of its productivity capacity. Chapter 23D, Tax Code, implements the constitutional provision by providing that certain agricultural land may qualify for productivity appraisal if it meets a number of conditions.

### PURPOSE

As enrolled, H.J.R. 72 requires the submission to the voters of a proposed constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 1-d-1(a), Texas Constitution, to require the legislature to provide by general law for taxation of open-space land devoted to farm, ranch, or wildlife management purposes on the basis of its productive capacity. Authorizes the legislature to provide by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity.

SECTION 2. Adds a temporary provision to the Texas Constitution, as follows:

TEMPORARY PROVISION. (a) Validates the changes to the law made by Chapter 560, Acts of the 72nd Legislature, Regular Session, 1991.

(b) Provides that this section does not authorize a property owner to claim a refund of taxes paid unless the tax payment was challenged as provided by law before the effective date of this amendment.

(c) Provides that this temporary provision expires January 1, 1998.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters on an election to be held November 7, 1995. Sets forth the required language of the ballot.

Proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

2-16-95 Filed with the Chief Clerk  
FEB 20 1995 Read first time and referred to Committee on WAYS AND MEANS  
4-24-95 Reported favorably (~~as amended~~)  
(~~as substituted~~)  
MAY 03 1995 Sent to Committee on Calendars  
MAY 8 1995 Read second time (~~comm. subst.~~) (amended) and adopted (~~passed to third reading~~) by a record vote of 134 yeas, 0 nays, 2 present, not voting  
Read third time (amended) and finally adopted (failed of adoption) by a record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting  
MAY 8 1995 Engrossed  
MAY 9 1995 Sent to Senate

*Cynthia Gerhardt*  
\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

MAY 09 1995 Received from the House  
MAY 11 1995 Read and referred to Committee on FINANCE  
MAY 18 1995 Reported favorably \_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time  
Ordered not printed  
Laid before the Senate  
MAY 26 1995 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)  
MAY 26 1995 Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)  
MAY 26 1995 Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays  
MAY 26 1995 Read third time, \_\_\_\_\_, and passed by 31 yeas, 0 nays  
5-26-95 Returned to the House

*Betty King*  
\_\_\_\_\_  
SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

MAY 26 1995

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

HOUSE OF REPRESENTATIVES